

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

IN RE:

Nancy Lynn Abbott,

Debtor(s).

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CASE NO. 17-40951

**MOTION TO APPROVE PERMANENT HOME MORTGAGE MODIFICATION
AND SHORTEN NOTICE**

COMES NOW debtor, by and through her attorney, David L. Dean, and for her Motion state(s) as follows:

1. Debtor(s) filed his/her/their Chapter 13 petition/converted their case to Chapter 13 on April 7, 2017.
2. Debtor(s) has/have a mortgage with Ditech Financial LLC.
3. Debtor(s) and Ditech Financial LLC have entered into a permanent mortgage modification.
4. Per the terms of the permanent mortgage modification, the modification begins with the July 1, 2017, payment. The new mortgage payment is \$652.66 each month, including escrow, with an interest rate of 7.125%.
5. The principal balance on the loan is \$69,265.81.
6. The loan maturity date is June 1, 2057.
7. Debtor(s) request(s) this court approve the permanent mortgage modification and authorize the changes set forth below:
8. The claim in favor of Ditech Financial LLC shall be paid in the following manner (check one):
 - ☒ Debtor(s) further request(s) permission to make their on-going mortgage payments to Ditech Financial LLC directly beginning with the first modification payment in July 1, 2017.

- ☐ Debtor(s) further request(s) the mortgage payment to be paid through the plan be changed to \$ _____ due to the permanent loan modification. This mortgage payment is effective with the _____, 201_, mortgage payment. The trustee will set up the first monthly modified on-going mortgage payment as a Post-Petition Loan Modification Amount (PLMA) be paid pro-rata over the life of the case with a 5% increase, on that payment only, to account for any late fees.
9. Debtor(s) further request(s) this court order the trustee to stop all disbursement on the on-going mortgage claim if the debtor now is paying it directly. Further, the trustee shall stop all disbursement on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, and the initial post-petition amount (IPA) claim.
10. (If applicable) Debtor(s) further request(s) the plan payment be changed to \$ _____. This new plan payment is effective as of _____, 201_.
11. The trustee will reset the mortgage claim records upon entry of an order granting this motion based on the changes set forth above.
12. Debtor(s) request(s) this Honorable Court schedule the matter on the next available docket, or in the alternative, grant Debtor('s') request without a hearing after the expiration of the notice period.

WHEREFORE, debtor(s) request(s) this Honorable Court enter an Order approving the permanent mortgage modification with Ditech Financial LLC and allowing debtor(s) to pay the mortgage directly beginning with the July 1, 2017, payment or through the plan at the new payment amount of \$ _____ as specified in Paragraph 8 above. If the mortgage is paid through the plan, the trustee is ordered to set up the first monthly modified on-going mortgage payment as a Post-Petition Loan Modification Amount (PLMA). Further, debtor(s) request(s) an Order directing the trustee to stop all disbursements on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, the initial post-petition amount (IPA) claim, and the on-going mortgage claim if the debtor now is paying it directly. If applicable, the plan payment shall be changed to \$ _____ effective _____, 201_. Debtor(s) request the trustee to reset the mortgage claim records based on the changes set forth above.

6/28/2017

Date

/s/David L. Dean

Attorney for Debtor(s)

NOTICE OF MOTION

Any party with an objection is directed to file a Response to the motion within seven (7) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. Information about electronic filing can be found on the Court website at www.mow.uscourts.gov. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all interested parties by the Court. If no response is filed within seven (7) days, the Court will enter an order granting the motion.

CERTIFICATE OF SERVICE

I, David L. Dean, hereby certify that a true and correct copy of the Motion was served, in addition to the parties notified by the US Bankruptcy Court's electronic notification, upon the affected creditors and other parties in interest via US First Class Mail, postage prepaid, this 28th day of June, 2017.

Ditech Financial LLC
PO Box 6154
Rapid City, SD 57709-6154

Southlaw, P.C.
(electronic notification)

David L. Dean

Typed Name or Signature

Court Address: United States Bankruptcy Court, 400 E.9th St., Room 1510, Kansas City, MO 64106

Instructions: Complete all required information and serve on all affected creditors.

ECF Event: Bankruptcy>Motions/Applications/Requests>Home Mortgage
Modification>Permanent